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17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR SG MORTGAGE SECURITIES TRUST 2006-0PT2, ASSET BACKED CERTIFICATES, SERIES 2006-0PT2,

20 Case No. 2:16-cv-02045-RFB-CWH

21 **SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)**

22 Plaintiff,
23 vs.

24 SFR INVESTMENTS POOL 1, LLC, a Nevada limited liability company; LISA FAHRNLAENDER, an individual; NEVADA ASSOCIATION SERVICES, INC. a Nevada Corporation; MARAVILLA at MOUNTAIN'S EDGE HOMEOWNERS ASSOCIATION, a Nevada non-profit corporation; DOES 1 through 10; and ROE CORPORATIONS 11 through 20,

25 Defendants.

26 SFR INVESTMENTS POOL 1, LLC ("SFR") hereby demands that Plaintiff HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR SG MORTGAGE SECURITIES TRUST 2006-0PT2, ASSET BACKED CERTIFICATES, SERIES 2006-0PT2, ("HSBC" or "Bank"), an out-of-state resident, post a cost bond pursuant to NRS 18.130(1).

27 In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the Bank, 28 "security for the costs and charges which may be awarded against such plaintiff may be required by defendant, by the filing and service on plaintiff of a written demand within the time limited for

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1 answering the complaint.” NRS 18.130(1). When a defendant demands a cost bond, “all
 2 proceedings in the action shall be stayed” until plaintiff files “an undertaking, executed by two or
 3 more persons, to the effect that they will pay such costs and charges as may be awarded against
 4 the plaintiff by judgment, or in the progress of the action . . . or the plaintiff may deposit \$500 with
 5 the clerk of the court.” *Id.* “After the lapse of 30 days from the service of notice that security is
 6 required, or of an order for new or additional security, upon proof thereof, and that no undertaking
 7 as required has been filed, the court or judge may order the action to be dismissed.” NRS
 8 18.130(4).

9 “It is the policy of the United States District Court for the District of Nevada to enforce
 10 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL
 11 925027 (D. Nev.) (*citing Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*
 12 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986).)

13 Here HSBC is not a Nevada citizen, but rather a national banking association organized
 14 under the laws of the United States, with its main office located in Virginia, and its principal
 15 office located in New York. Accordingly, SFR demands that the Bank post a \$500 cost bond
 16 within 30 days and that the proceedings be stayed until such cost bond is posted. Should the
 17 Bank fail to comply with the requirements of NRS 18.130 within 30 days, SFR requests this
 18 action be dismissed.

19 DATED September 23, 2016.

KIM GILBERT EBRON

/s/ *Diana Cline Ebron*
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21 IT IS SO ORDERED:

22 RICHARD F. BOULWARE, II
 23 United States District Judge

24 DATED this 30th day of September, 2016.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of September 2016, pursuant to FRCP 5, I served via the CM-ECF electronic filing system the foregoing **SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)**, to the following parties:

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SB Mortgage Securities Trust 2006-OPT2, Asset Backed Certificates, Series 2006-OPT2*

/s/ Alan G. Harvey
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